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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/821,702	04/09/2004	Yoshinobu Furuse	NGB-123-A	1541
21828	7590	11/10/2005	EXAMINER	
CARRIER BLACKMAN AND ASSOCIATES			PATEL, KIRAN B	
24101 NOVI ROAD			ART UNIT	
SUITE 100			PAPER NUMBER	
NOVI, MI 48375			3612	

DATE MAILED: 11/10/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

10/821,702

Applicant(s)

FURUSE, YOSHINOBU

Examiner

Kiran B. Patel

Art Unit

3612

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
  - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
  - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133)
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 26 October 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-26 is/are pending in the application.
- 4a) Of the above claim(s) 3-12 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1,2 and 13-26 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: \_\_\_\_\_

## **DETAILED ACTION**

Final Rejection (10/31/05)

### **Claim Rejections - 35 USC § 103**

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

1. Claim(s) 1-2, 21, 24-26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Heim et al. (5,398,453) in view of Odan et al. (5,865,496).

Regarding Claim(s) 1-2, 21, 24-26 Heim et al. (5,398,453) discloses the invention as claimed to include a door beam 6; an upper inner frame 7; and a lower frame 5, extending in a longitudinal direction of the vehicle and forming a closed section with an outer panel 30; a front frame member 2 arranged on the front side of the vehicle and a rear frame member 3 arranged on the rear side of the vehicle, said front and rear frame members are connected by the inner frame and the lower frame;

However, Heim et al. (5,398,453) does not disclose frame having a section of C shape.

Odan et al. (5,865,496) discloses a frame 11 having a section of C shape.

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the invention, as disclosed by Heim et al. (5,398,453), to include a frame having a section of C shape, as disclosed by

Odan et al. (5,865,496), to provide a frame with least weight and maximum strength and to improve the fuel efficiency of the vehicle.

2. Claim(s) 13-14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Heim et al. (5,398,453) in view of Odan et al. (5,865,496).

Regarding Claim(s) 13-14 Heim et al. (5,398,453) discloses the invention as claimed to include an upper frame 7 and a lower frame 5; said upper frame is an inner frame arranged in a door body inside the vehicle, extending in a longitudinal direction of the vehicle and located at the side of the passenger's space, wherein the inner frame extending in the longitudinal direction, and is arranged in the door body so that the opening is directed outside the vehicle;

the door body including a front frame member arranged on a front side of the vehicle; a rear frame member arranged on a rear side of the vehicle; a lower frame; and an upper inner frame located at the side of the passenger's space and connecting the front frame member with the rear frame member inside the vehicle, wherein the upper inner frame extending in a longitudinal direction, and is arranged in the door body so that the opening is directed outside the vehicle.

However, Heim et al. (5,398,453) does not disclose includes an opening with a substantial C-shape cross section,

Odan et al. (5,865,496) discloses an inner frame 11 to have an opening with a substantial C- shape cross section.

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the invention, as disclosed by Heim et al. (5,398,453), to include an inner frame to have an opening with a substantial

C- shape cross section, as disclosed by Odan et al. (5,865,496), to provide a frame with least weight and maximum strength and to improve the fuel efficiency of the vehicle.

3. Claim(s) 15-20, 22-23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Heim et al. (5,398,453) in view of Odan et al. (5,865,496) as applied to claims 13-14, and further in view of ordinary skill in the art.

Regarding Claim(s) 15-20, 22-23 Heim et al. (5,398,453) discloses the invention as claimed to include the inner frame 7 includes a pair of flanges extending from upper and lower portions of the inner frame toward the inside of the opening, and a width of each flange in a vertical direction; a base portion which forms the corresponding upper or lower portion, and a cross section of which is C-shaped; a connecting portion of connecting a side of the inner frame inside the vehicle with upper and lower leg portions extending from upper and lower end portions of the side toward the outside of the vehicle is curved.

However, Heim et al. (5,398,453) does not disclose the flange width to be  $\frac{1}{4}$  to  $\frac{1}{2}$  the width in the vertical direction; the width of the inner frame in a width direction of the vehicle is set at  $\frac{1}{6}$  to  $\frac{1}{1}$  of a width in the vertical direction of the base portion.

It would have been obvious to one having ordinary skill in the art at the time the invention was made the frame with the flange width to be  $\frac{1}{4}$  to  $\frac{1}{2}$  the width in the vertical direction; the width of the inner frame in a width direction of the vehicle at  $\frac{1}{6}$  to  $\frac{1}{1}$  of a width in the vertical direction of the base portion, since it has been held to be within the general skill of a worker in the art to select a

known material on the basis of its suitability for the intended use to optimize the cost of the product made in light of size, availability, capacity to manufacture, manufacturing technology, transportability, optimize the number of parts, safety and other considerations and still meet the design loads and specifications.

### **Response to Arguments**

1. Applicant's arguments with respect to elected claim have been considered but are moot in view of the new ground(s) of rejection.

### **Conclusion**

2. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

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3. Any inquiry concerning this communication or earlier communications should be directed to Primary Examiner Kiran B. Patel whose telephone number is 571-272-6665. The examiner can normally be reached on M-F from 8:00 to 5:00. The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300.



Kiran B. Patel, P.E.  
Primary Examiner  
Art Unit 3612  
October 31, 2005